



Amherst County Board of Supervisors  
County Resolution No. 2022-0001-R

**For consideration on February 1, 2022**

**A RESOLUTION, NO. 2022-0001-R**

A resolution, requesting that the Virginia Department of Transportation add one street to the secondary system of state highways, pursuant to Virginia Code §33.2-705, and the Department's Subdivision Street Requirements.

Approved as to form and legality by the Amherst County Attorney

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMHERST, VIRGINIA:**

**I. That the Board of Supervisors of Amherst County ("Board") hereby request that the Virginia Department of Transportation ("Department") take certain subdivision streets into the secondary system of state highways, as follows:**

**WHEREAS**, §33.2-705 of the Code of Virginia provides authority for the Department to add new streets to the secondary system of state highways from time to time as public safety or convenience may require; and

**WHEREAS** the Naola Springs Subdivision has been completed; and

**WHEREAS**, Blue Sky Court of Naola Springs Subdivision meets the public service criteria of the Subdivision Street Requirements; and

**WHEREAS**, Amherst County and the Virginia Department of Transportation have entered into an agreement on the 10<sup>th</sup> day of December, 2021 for stormwater detention in Naola Springs Subdivision, which applies to this request for addition; and

**WHEREAS**, the development sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and

**WHEREAS**, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

**NOW THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

**II. That this resolution shall be in force and effect upon adoption.**

Adopted this 1<sup>st</sup> day of February 2022.



David W. Pugh, Jr., Chair  
Amherst County Board of Supervisors

**Member**

David W. Pugh, Jr., Chair.....  
Tom Martin, Vice-Chair.....  
L. J. "Jimmy" Ayers, III.....  
Claudia D. Tucker.....  
Drew Wade.....

**Vote**

AYE  
AYE  
AYE  
AYE  
AYE

**ATTEST:**



Dean C. Rodgers, Clerk  
Board of Supervisors of the County of Amherst, Virginia

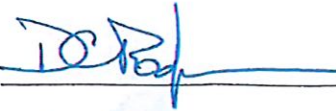
**In Amherst County**

by Resolution of the governing body adopted

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee

Signed (County Official):


**Report of Changes in the Secondary System of State Highways**

Project/Subdivision: Naola Springs Subdivision

Addition - New subdivision street §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number of Lanes	Recordation Reference	ROW Width
1418	Blue Sky Ct.	Pt. A Rte 130	Pt. B 0.55 MS Rte 130	0.55	2	DB 1132, PG 355 PC 1, SL 1-418 Instr. 210002571	50 Ft.



# STORMWATER DETENTION AGREEMENT FOR

## SUBDIVISION/DEVELOPMENT – NAOLA SPRINGS

THIS AGREEMENT, made this 10th date of December, 2021, between the Board of Supervisors of Amherst County (the "County"), party of the first part, and the Commonwealth of Virginia, Department of Transportation ("VDOT"), party of the second part, for the purpose of satisfying 24 VAC 30-91-110.L.2 of the Subdivision Street Requirements for the addition of subdivision streets within the development commonly known as Naola Springs.

## RECITALS

R-1 WHEREAS, the County has approved, or anticipates approval of, certain plans for a subdivision, named "NAOLA SPRINGS", the streets of which are intended for acceptance into the Secondary System of State Highways.

R-2 WHEREAS, included in said subdivision are certain easements and rights of way for the purpose of constructing, operating and maintaining present or future stormwater drainage facilities including necessary inlet structures and other pertinent facilities for removing water from said streets.

R-3 WHEREAS, a prerequisite for accepting any subdivision street into the Secondary System of State Highways, an adequate and acceptable method of transporting stormwater runoff from said street to natural water course is required.

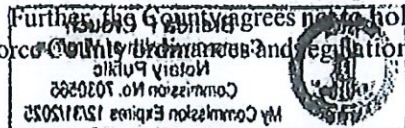
R-4 WHEREAS, pursuant to 24 VAC 30-91-110.L.2 of the Subdivision Street Requirements and the VDOT Drainage Manual 2002, Revised 2021, when detention provisions are incorporated into stormwater drainage facilities, "an acceptable agreement from the local government is required which absolves the Department from any responsibility or liability for the detention facility" before such streets are accepted as part of the Secondary System of State Highways. "Stormwater detention facilities" as used in this agreement shall be limited to the detention/retention facilities outside of the right of way dedicated to public use purposes for streets to be accepted into the Secondary System of State Highways.

NOW, THEREFORE, in consideration of the premises, the mutual covenants stated herein, and other good and valuable consideration the receipt and sufficiency of which is acknowledged by all parties hereto, the parties hereto agree as follows:

1. The County agrees that VDOT has no maintenance, upkeep and/or repair responsibility or liability for these stormwater detention facilities except in cases of physical damage resulting from road construction projects administered by VDOT. This Agreement does not relieve the parties thereto of their rights and obligations pursuant to Stormwater Management Regulations 9VAC25-870-10 et seq. and related state regulations as amended or modified from time to time. Further, the County agrees not to hold VDOT liable for damages resulting from the County's failure to enforce County ordinances and regulations relating to stormwater flow.

2. The County will not seek indemnification or contribution from VDOT to correct damages arising from improper maintenance or construction of these stormwater devices and facilities.

3. Upon the County's request, VDOT will cooperate with the County in a reasonable manner to assist in the denial, settlement and/or litigation of claims for damages from the operation and maintenance of these stormwater management devices.



4. The parties expressly do not intend by execution of this Agreement to create in the public, or any member there, any rights as a third party beneficiary, or to authorize anyone not a party hereto to maintain a suit for any damages pursuant to the terms of this Agreement. In addition the parties understand and agree that this Agreement is not to be construed as an indemnification against third party claims.

5. VDOT agrees to accept, as part of the Secondary System of State Highways, these new subdivision streets which meet all provisions of the Subdivision Street Requirements.

Witness the following signatures and seals:

Approved as to form

  
County Attorney

Board of Supervisors of Amherst County

By:   
Dean Rodgers, Amherst County Administrator

COMMONWEALTH OF VIRGINIA DEPARTMENT OF  
TRANSPORTATION

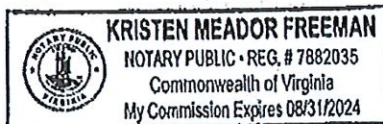
Approved as to form

Office of the Attorney General

By:   
Commissioner DIRECTOR, OFFICE OF LAND USE

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF Amherst, to wit:

(Name) Kristen Meador Freeman, acknowledging the foregoing instrument before  
me this 13<sup>th</sup> day of December, 2021



Kristen Meador Freeman  
NOTARY PUBLIC  
My commission expires: 8/31/2024

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF Richmond, to wit:

(Name) Robert W. Hefrichter, "Director, VDOT Office of Land Use", party of  
the second part, acknowledging the foregoing instrument before me this 27<sup>th</sup> day of  
December, 2021



Brenda P. Crouch  
NOTARY PUBLIC  
My commission expires: 12/31/2025