



Amherst County Board of Supervisors
County Resolution No. 2019-0013-R

For consideration on October 1, 2019

A RESOLUTION, NO. 2019-0013-R

A resolution, requesting that the Virginia Department of Transportation add two streets 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 by the 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 requests 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 Abee Manor Subdivision has been completed; and

WHEREAS, the streets of Abee Manor Subdivision meet 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 3rd day of September, 2019 for stormwater detention in Abee Manor 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 BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

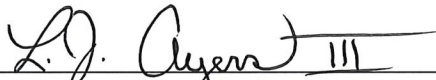
That this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and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

BE IT FURTHER RESOLVED:

That the Clerk is instructed to send a certified copy of this resolution to the Virginia Department of Transportation.

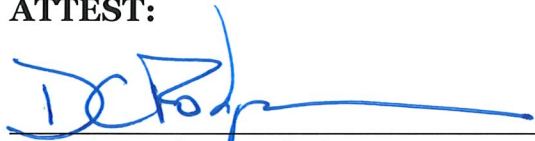
II. That this resolution shall be in force and effect upon adoption.

Adopted this 1st day of October, 2019.



L. J. Ayers III, Chairman
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 4

Nay 0

Abstentions 0

**STORMWATER DETENTION AGREEMENT FOR
SUBDIVISION/DEVELOPMENT - ABEE MANOR**

THIS AGREEMENT, made this 3rd day of September, 2019, 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 made after this date throughout the County.

RECITALS

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

R-2 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 As 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 Pursuant to 24 VAC 30-91-110.L.2 of the Subdivision Street Requirements and the VDOT Drainage Manual 2002, Revised 2014, 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 detention 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 detention facilities.

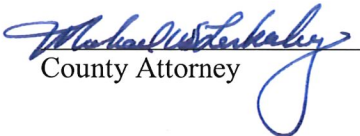
4. The parties expressly do not intend by execution of this Agreement to create in the public, or any member there, any rights as a third party beneficiary, or to authorize anyone not a party hereto to maintain a suit for any damages pursuant to the terms of this Agreement. In addition the parties understand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

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

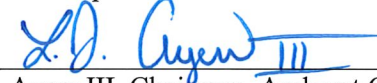
6. The parties hereto agree that the provisions of this Agreement may be invoked by reference in any resolution of the County requesting any future addition to the Secondary System of State Highways.

Witness the following signatures and seals:

Approved as to form


County Attorney

Board of Supervisors of Amherst County

By: 
L. J. Ayers III, Chairman, Amherst County Board of Supervisors

COMMONWEALTH OF VIRGINIA DEPARTMENT OF
TRANSPORTATION

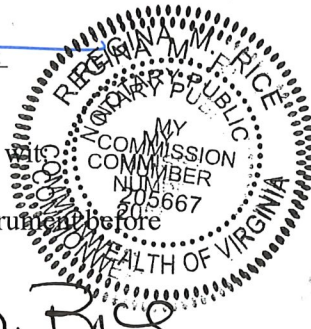
Approved as to form

Office of the Attorney General

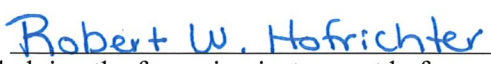
By: 
Commissioner
DIRECTOR, OFFICE OF LAND USE

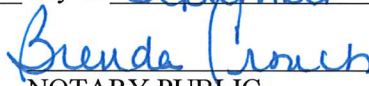
COMMONWEALTH OF VIRGINIA, ~~CITY~~/COUNTY OF Amherst, to wit:

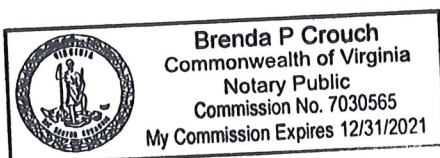
(Name) L. J. AYERS III, acknowledging the foregoing instrument before
me this 3rd day of September, 2019.


Regina M. Rice
NOTARY PUBLIC
My commission expires: November 30, 2022

COMMONWEALTH OF VIRGINIA, Richmond, to wit:

(Name) Robert W. Hofrichter, 
acknowledging the foregoing instrument before me this 16th day of September, 2019.


NOTARY PUBLIC
My commission expires: 12/31/2021



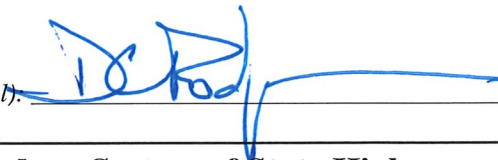
In the County of Amherst

By resolution of the governing body adopted October 1, 2019

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

A Copy Testee

Signed (County Official):



Report of Changes in the Secondary System of State Highways

Project/Subdivision Abee Manor Subdivision

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: 33.2-705, 33.2-334

Street Name and/or Route Number

◆ **Valley View Drive, State Route Number 1317**

Old Route Number: 0

- From: 0.18 Mi. E. Rte. 604 (Coolwell Rd.)

To: Int. Rte. 1315 (Holiday Dr.), a distance of: 0.22 miles.

Recordation Reference: Plat Book 1; Slide 1-429

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Patrick Court, State Route Number 1316**

Old Route Number: 0

- From: 0.18 Mi. E. Rte. 604

To: 0.06 Mi. W. Rte. 1315, a distance of: 0.22 miles.

Recordation Reference: Plat Book 1; Slide 1-429

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Patrick Court, State Route Number 1316**

Old Route Number: 0

- From: Int. Rte. 604 (Coolwell Rd)

To: 0.18 Mi. E. Rte. 604 (Coolwell Rd.), a distance of: 0.18 miles.

Recordation Reference: Plat Book 1; Slide 1-429

Right of Way width (feet) = 50