

MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding is made, effective the 30th day of March, 2010, by and between the Northern Virginia Regional Park Authority (the "Applicant" and "NVRPA") and the Board of Supervisors of the County of Loudoun, Virginia (the "County") regarding the development of the property identified as Loudoun County Tax Map 31, Parcel 5 (PIN# 077-36-5320) (the "Property") as a public park as illustrated and defined on the Commission Permit plat titled "White's Ford Park Commission Permit CMPT 2008-0020" dated September 17, 2009, revised through February 19, 2010 (the "Plat").

WHEREAS, NVRPA desires to establish and operate a public park upon the Property in accordance with the Loudoun County Revised 1993 Zoning Ordinance (the "Zoning Ordinance"); and

WHEREAS, the park use cannot be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Loudoun County Planning Commission as being substantially in accord with the County's adopted comprehensive plan; and

WHEREAS, NVRPA has submitted an application for a Commission Permit, CMPT 2008-0020, seeking such Commission approval, and by this Memorandum of Understanding seeks to provide further assurances to the Planning Commission and the County with regard to NVRPA's use and operation of the park in the event the said Commission Permit is approved; and

WHEREAS, the public park use shall be developed in two phases, Phase I and Phase II, as indicated on the Plat, with Phase I to include such uses as hiking and wildlife viewing, shore launching of canoes and kayaks from a sand or gravel launch area, and tenant occupancy of the existing house and Phase II to include such uses as boat rental facilities in the floodplain (which could include the construction of a poured concrete boat ramp), picnic shelters, a 60-site campground with up to 10 cabins, a group camping area, horse trail riding, and special events (voluntarily limited to a maximum of 5 events per year).

NOW, THEREFORE, NVRPA agrees that in the event a use as described in the AR-1 Agricultural Rural-1 District Use Table of the Zoning Ordinance as "community, neighborhood, or regional park, passive recreational uses" is established on the Property, such use shall be in accordance with Commission Permit CMPT 2008-0020 and the Plat, and NVRPA shall perform or cause the following to occur:

1. Prior to impacting any area to depths greater than those specified in the Phase I archeological study as containing a high level of artifacts, having archeological probability or being recommended for avoidance, initiate a Phase II study for the area being impacted.
2. Protect the Colonel White House, cow barn and drive-through corn crib by erecting a cattle fence around each structure and further protect the Colonel White House by securing all windows and openings.

3. Limit general park operations (i.e. uses other than camping) to daylight hours.
4. Comply with the no-build restrictions as recorded against the property in the Virginia Outdoors Foundation easements, as may be amended by the Virginia Outdoors Foundation from time to time.
5. Provide the County the preliminary soils report for the floodplain portion of the property at time of site plan for any uses in the floodplain.
6. Ensure that lighting on the subject Property be designed and constructed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. All lighting installed shall be affixed to or adjacent to the related building and shall have fixtures that are full cutoff and fully shielded.
7. Obtain all applicable state and federal permits prior to disturbing any area identified as a jurisdictional water or wetland.
8. During development, ensure that the critical root zone of the existing oak tree identified on Sheet 5 of the White's Ford Park special exception plat for SPEX 2008-0061/ SPEX 2008-0062 is protected and not encroached upon by any grade changes, storage of equipment, materials, debris, nor subjected to fill or construction traffic, parking of vehicles, or disposal of liquids.
9. Systematically remove and/or treat invasive trees as needed. Where possible, the removal of invasive trees shall be replaced with native deciduous plantings.
10. Allow at least 100 acres of current farmland to return to natural grasslands, meadows or forest to provide a more primitive camping environment and improve wildlife habitat.
11. Establish and maintain an additional 100 feet of buffer area along the Potomac River in addition to the 100-foot riparian buffer established and required by the Virginia Outdoors Foundation easement thus creating a 200-foot riparian buffer, provided that pervious surface natural trails, the launch ramp, access road and temporary facilities are all permitted within the buffer area.
12. Special events at White's Ford Park shall be prohibited during the Temple Hall Maize season, and such events shall occur no more often than 5 times a year and in conformance with, and pursuant to a permit issued under, the applicable provisions of the Zoning Ordinance regulating permits for Special Events. Furthermore, Special events may occur only after Hibler Road has been improved as described below.
13. Neither construct nor maintain formal trails immediately adjacent to the Potomac River in the area below the mean high water line.
14. Black locust trees shall not be removed unless they are: (1) diseased or dying as determined in consultation with the County Urban Forester and a threat to the safety

of users of the park or any existing structure, or (2) located in the area of development (such as in the area of the boat ramp).

15. Subject to VDOT approval and prior to the development of any use included in Phase II, the Applicant shall improve Hibler Road from Limestone School Road to the main park entrance using VDOT's Rural Rustic Road Standards with the width of the road to be 18 feet, the surface gravel, and with all work to be completed within existing VDOT right of way and prescriptive easement offsite of the Property, and shall improve the vertical sight distance on Hibler Road near the Limestone School Road intersection based on a 35 mph operating speed by either lowering the grade and/or increasing the road width in this area. Once the Hibler Road improvements described herein are bonded, the Applicant may begin construction on the Phase II uses, but shall not open said uses to the public until the Hibler Road improvements are constructed and open to traffic. Where the applicant owns property on both sides of Hibler Road it shall grant 50 feet of right-of-way centered on the existing centerline of the travelway along Hibler from the western property boundary to the main park entrance. Where the applicant owns property only on one side of the roadway it will grant 25 feet of right-of-way from said centerline. The Applicant shall provide an area adequate for vehicles, including recreational vehicles, to turn around on Park property at the main entrance to the Park. If any of the improvements described herein have been completed by others prior to Phase II, NVRPA will be relieved of those road improvement responsibilities. Notwithstanding the above, the Park may open to Phase I uses which allow birders, hikers, boaters (who launch from the shore), rental house tenant and general visitors prior to any work on Hibler Road.
16. Subject to VDOT approval and prior to the opening of the park, construct a northbound right turn lane from Route 15 onto Limestone School Road. If this turn lane has been constructed by others prior to Phase I opening, NVRPA shall be relieved of such construction obligation. If additional right of way is needed to construct the turn lane, and the Applicant is unable to acquire the necessary right-of-way or easements at fair market value, then the Applicant shall request the Board of Supervisors initiate condemnation proceedings to acquire the necessary land and/or easements. If the Board of Supervisors chooses not to initiate condemnation proceedings, the Applicant shall be relieved of the obligation to construct a northbound right turn lane from Route 15 to Limestone School Road. Notwithstanding the foregoing, if VDOT approves a roundabout at the intersection of Route 15 and Limestone School Road prior to the installation of the turn lane, NVRPA shall, in lieu of construction of the turn lane, contribute an amount of cash equal to the then-estimated cost to construct the turn lane (as verified by a third party cost estimate) to Loudoun County at the time VDOT or third party commences construction of the roundabout, to be applied to the construction of said roundabout. In no event shall NVRPA be responsible for constructing the roundabout. Should the permitting or construction of the turn lane be delayed at the request of VDOT or Loudoun County in order to consider traffic alternatives, including but not limited to roundabouts, NVRPA shall be allowed to develop and open the park, subject to the conditions of paragraph 15 above, prior to the construction of said turn lane. Notwithstanding the foregoing, NVRPA shall diligently pursue construction and

completion of the turn lane as soon as possible after VDOT permitting is issued and the County requests in writing such construction to commence. Furthermore, in the event VDOT approves the construction of a roundabout, NVRPA shall be permitted to open Phase I of the park no sooner than 6 months following such written decision by VDOT, independent of whether the roundabout has been completed.

17. Subject to VDOT approval and prior to the opening of the park, install cautionary signs (i.e. yield signs) proximate to the one-lane bridge on Limestone School Road.
18. Subject to VDOT approval and prior to the opening of the park, install signs directing park visitors to exit via Spinks Ferry Road.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY (NVRPA)

a body politic and corporate

By:  (SEAL)
Name: Paul A. Gilbert

Title: Executive Director of NVRPA

STATE OF: VIRGINIA

COUNTY OF FAIRFAX, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that PAUL A. GILBERT as Executive Director of the Northern Virginia Regional Park Authority, a body politic and corporate, whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this 8th day of APRIL, 2010.


Notary Public 281726

My commission expires: OCTOBER 31, 2011

