

CORRESPONDENCE SUMMARY

DATE: October 5, 2010
CORRESPONDENCE NUMBER: ZCOR-2010-0247
SUBJECT: Request for Conveyance of 61.33-acre Open Space/
Park Site at Belmont Glen Village

1993 Ordinance Reference Numbers:

1972 Ordinance Reference Numbers:

Other Applicable Reference Numbers: ZCPA-2009-0007*
ZMAP-2004-0006

Applicable Tax Map/PIN Numbers: 195-19-3084

Correspondence Summary:

The Department of Construction and Waste Management requests the conveyance of the proffered 61.33- acre Open Space/Park Site associated with ZCPA-2009-0007, Belmont Glen Village.

PROPERTY OWNER:

BAYSHIRE LC
ELM STREET DEVELOPMENT
1355 BEVERLY RD STE 240
MC LEAN, VA 22101-3649

Author: Daniel Csizmar

*Indicates where to file

Is this a determination? Check one: Yes No



Loudoun County, Virginia

www.loudoun.gov

Department of Construction and Waste Management
211 Gibson Street, N.W., Suite 123, MS#64
Leesburg, VA 20176

October 5, 2010

Bayshire LC
Elm Street Development
1355 Beverly Road, Suite 240
Mc Lean, VA 22101-3649

RE: Request for dedication of the 61.33-acre Open Space/Park Site at Belmont Glen Village

Dear Sir or Madam:

I am writing on behalf of Loudoun County to request the dedication of the approximately 61.33-acre Open Space/Park Site pursuant to Proffer VI.12 of Belmont Glen Village, ZCPA-2009-0007. Within 30 days of receipt of this letter, please provide written acknowledgement to me at the address listed in the letterhead above regarding the actions your organization is taking to convey the parcel to the County.

The Loudoun County Board of Supervisors approved ZCPA-2009-0007, Belmont Glen Village, at their June 7, 2010, Public Hearing subject to the proffers dated June 1, 2010. Proffer VI.12 provides for the dedication of the public passive park as stated in the proffer text below:

VI. OPEN SPACE

12. DEDICATION OF OPEN SPACE/PARK LAND ALONG GOOSE CREEK

The Applicant shall dedicate to the County, at no cost to the County, approximately 61.33 acres of land along Goose Creek, within the area shown on the CDP as lying between Goose Creek and the line labeled "Future Public Passive Park Open Space Dedication Line". This land shall be dedicated for open space/conservation/passive recreation purposes only, and the dedication shall specify that the land shall be maintained in a natural condition used for open space/conservation/passive recreation purposes only. The dedication shall be subject to the Applicant's right to install and construct public utility and stormwater conveyance improvements as may be required by the County and/or Loudoun Water as part of the Construction Plan or Record Plat

approval processes. The proposed deed of dedication will be submitted to the County for review and approval prior to recordation. Public access to the park dedication area, limited to pedestrian and bicycle access only shall be provided between the lots labeled as Lots 184 and 185 on the CDP, pursuant to Proffer VI.16.C.2 below, along the driveway accessing the stormwater management pond. The park dedication shall be provided upon written request of the County, but no later than concurrent with the approval of any record plat containing either of said Lots 184 and 185.

As provided in the Proffer Statement, the park dedication shall be provided upon written request of the County. This letter represents the County's official request for dedication of the parcel to commence the process to create the Open Space/Park Site provided to the County as part of Proffer VI.12 of ZCPA-2009-0007. The park must be dedicated to the County no later than concurrent with the approval of any record plat containing either Lots 184 or 185.

In preparation for conveyance of the property to the County, a title report needs to be submitted to me along with a draft copy of the deed of gift and plat. A land development application needs to be submitted to the County to create the 61.33 acre parcel. The County also requires that the current property owner provide a letter declaring all property taxes on the property will be paid by the current owner until the time of official dedication of the parcel to the County occurs.

The property needs to be free of all encumbrances before conveyance to the County. Prior to dedication of the Site to the County, the Property Owner must inform and obtain the County's consent for all easements and improvements placed upon or within the Open Space parcel that are not contemplated or shown on the Concept Development Plan for ZCPA-2009-0007.

Pursuant to Section 6-1209 (I) of the Revised 1993 Zoning Ordinance, failure to respond in a timely manner to this request for dedication may be viewed as being in non-compliance with the terms of Proffer VI.12 of ZCPA-2009-0007, and could result in the County withholding approval of all land development applications and ceasing to issue zoning permits on the property until the issue is resolved.

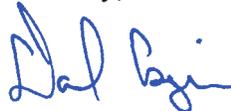
PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, October 5, 2010, and such proffers may be amended by a subsequent Zoning Concept Plan Amendment.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any zoning applicant or any other person aggrieved by an order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement of the conditions attached to a rezoning or amendment to a zoning map may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions regarding this request for conveyance of the proffered Open Space/Park Site, please feel free to contact me at (703) 771-5997.

Sincerely,



Daniel Csizmar
Capital Facilities Planner

Cc via email: Stevens Miller, Dulles District Supervisor
Paul Brown, Department of Construction and Waste Management
Susan Glass, Department of Building and Development
Dawn Klassen, Department of Construction and Waste Management
Mark Novak, Department of Parks, Recreation and Community Services
Will Himel, Department of Building and Development