

COUNTY OF YORK

MEMORANDUM

DATE: September 21, 2016 (BOS Mtg. 10/4/16)

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator 

SUBJECT: Public Sewer Extension Agreement—Huntfield

Huntfield, LLC, developer of the proposed development known as Huntfield, has requested authorization of a Public Sewer Extension Agreement as required by Section 18.1-53(b) of the York County Code. Huntfield consists of three parcels at 200 Crawford Road and 806 and 816 Goosley Road totaling 3.23 acres, from which 6 new residential lots will be created.

To provide sanitary sewer service to the proposed development, the developer will be required to install 1,153 feet of sewer main to connect to existing County facilities. Sufficient capacity exists in the sanitary sewer collection system to support the proposed development. In accordance with Section 18.1-64(a) of the County Code, the connection fee for this proposed development is \$19,200.00 (six 5/8-inch connections @\$3,200.00 each).

In accordance with County Code Section 18.1-53(b), sewer extension agreements for more than three connections must be approved by the Board. Additionally, state law requires that the developer “appear” before the Board of Supervisors and inform them of their desire to connect to sewer facilities of the County for more than three connections. Presentation of the attached materials on behalf of the developer meets the requirement that they appear before the Board.

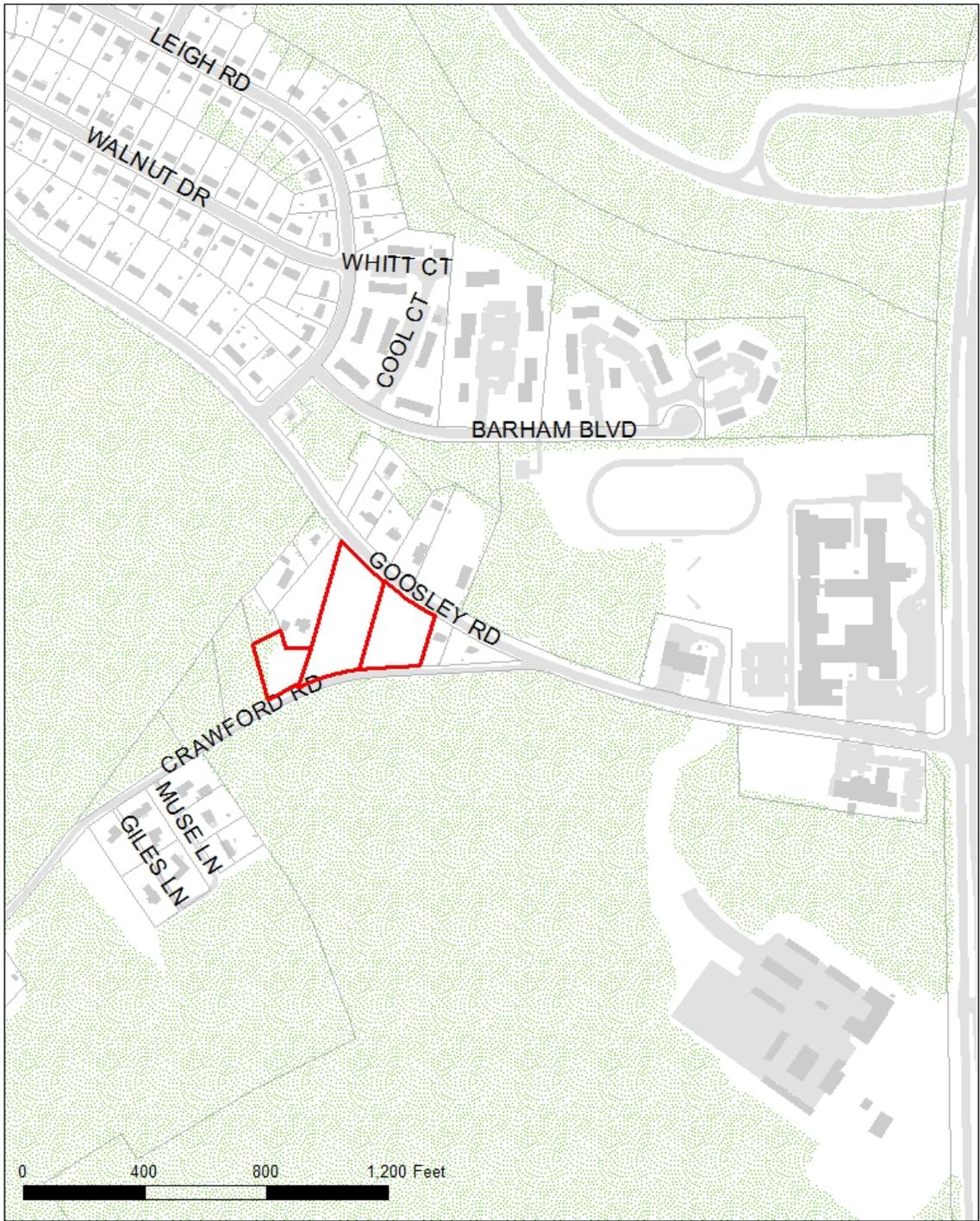
It is recommended that the execution of a Public Sewer Extension Agreement for the subject project be authorized through the adoption of proposed Resolution R16-112.

Woodward/3241:bkw

Attachments:

- Map of Service Area-Exhibit A
- Public Sewer Extension Agreement
- Proposed Resolution R16-112

Huntfield Public Sewer Extension Agreement



C O U N T Y O F Y O R K
PUBLIC SEWER EXTENSION AGREEMENT

THIS AGREEMENT, made this 9th day of September, 2016, by and between **HUNTFIELD, LLC**, a Virginia limited liability company, hereinafter "Developer", and **THE COUNTY OF YORK, Virginia**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County".

W I T N E S S E T H:

WHEREAS, the Developer is the owner of a certain parcel of land located in the County, hereinafter referred to as the "Property", which is proposed to be developed by the Developer, and the Developer has caused development plans, which show the design and specifications for certain public sewer improvements to be constructed as part of the project, which plans are entitled "Development Plan for Huntfield", dated August 1, 2012, and revised through January 17, 2014, prepared by C. E. Newbaker Surveying & Planning, Inc., and which plans have been approved by the County and are on file in the Department of Environmental and Development Services (hereinafter referred to as the "Plan"); and

WHEREAS, as part of the development of the Developer's project, the developer will submit an application for a Certificate to Construct Sanitary Sewer Facilities and has requested that the County enter into this agreement, in order to permit the Developer to construct an extension of the County's public sewer system, hereinafter referred to as the "Sewer Facilities", to serve the property;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises, the issuance of the proper permits, the payment of the connection and other fees by the Developer, and the covenants and agreements set out herein, the Developer and County agree as follows:

1. The County hereby agrees to permit the Developer to construct, without cost to the County, the Sewer Facilities, to the satisfaction of the County, in accordance with the Plan referenced above, the provisions of Chapter 18.1, Sewage Disposal and Sewers, York County Code, the County's Sanitary Sewer Standards and Specifications, and the regulations of all other

governmental agencies having jurisdiction over such facilities.

2. The Developer shall pay to the County the following fees:

- a. Inspection fees in the amount of \$2,606.00 (\$300 base fee + 1153 feet of gravity sewer line @ \$2.00 per foot) as required by § 18.1-52, York County Code, to be paid prior to issuance of a Certificate to Construct.
- b. Connection fees in the total amount of \$19,200.00 as determined in accordance with § 18.1-64(a) and § 18.1-65(a) of the York County Code (6-residential connections @\$3,200.00 each).

3. Upon completion of the construction of the Sewer Facilities, and approval and acceptance of such facilities by the County, pursuant to the procedures set out in the County's Sanitary Sewer Standards and Specifications, the Sewer Facilities as shown on the "Plan" shall become the property of the County and the County shall operate and maintain the facilities.

4. All contractors utilized by the Developer in installing the Sewer Facilities shall be approved by the County prior to issuance of a Certificate to Construct Sewer Facilities.

5. Developer agrees to indemnify, protect and save harmless the County, its officers, agents, and employees, from and against all losses and damage to property and bodily injury or death to any person or persons, which may arise out of or be caused by the construction, maintenance and presence of the Sewer Facilities, until such time as accepted by the County.

6. To ensure the indemnification of the County against any liability arising out of the construction of the Sewer Facilities by the Developer, there is attached hereto a certificate of public liability insurance in the amount of \$1,000,000 for bodily injury and \$500,000 for property damage, including underground property, per occurrence, or insurance of equivalent coverage as approved by the County as being sufficient. The certificate shall include a governmental endorsement thereto naming the County, its officers, agents, and employees, as an additional insured, issued by an insurance company licensed to do business in the Commonwealth of Virginia. Such insurance shall include Worker's Compensation and

Employer's Liability as follows: Coverage A - Statutory Requirement; Coverage B - \$100,000 per occurrence; Coverage C - \$100,000/\$100,000 Accident and/or Disease. If vehicles are to be used on County-owned property, the insurance shall include comprehensive automobile liability, including owned, non-owned and hired car coverage in the amount of \$500,000 per occurrence bodily injury, and \$100,000 property damage. Lapse, cancellation or termination in any manner of coverage prior to completion and acceptance of the Sewer Facilities shall constitute a violation of this Agreement.

7. No permits to begin construction, including the Certificate to Construct Sanitary Sewer Facilities, will be issued by the County prior to execution of this Agreement.

8. It is mutually understood and agreed that approval of the plans shall not, by such approval alone, be deemed to be an acceptance by the County or other applicable agency of any sewer or other physical improvements shown on the Plans for maintenance, repair or operation thereof, and that the Developer shall be fully responsible therefor and assume all of the risks and liabilities therefor, until such time as the County or other applicable agency has formally accepted them. Upon acceptance of any of the improvements to be dedicated to the County, Developer agrees to execute a maintenance and indemnifying bond, guaranteeing the materials and workmanship of the improvements for one year, which bond shall be executed by corporate surety.

9. This agreement shall be binding upon the Developer and the Developer's successors and assigns.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals:

Huntfield, LLC

By: _____

Edward Fiscella, Manager

Date: _____

Approved as to form:

County Attorney

Date: _____

COUNTY OF YORK, VIRGINIA

By: _____
County Administrator

Date: _____

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ___ day of _____, 2016:

Present

Vote

Jeffrey D. Wassmer, Chairman
Sheila S. Noll, Vice Chairman
Walter C. Zaremba
W. Chad Green
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS HUNTFIELD, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Huntfield, L.L.C., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve six new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$19,200.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2016, that the Board approves the extension of the County's public sewer system to serve the proposed development, Huntfield, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Huntfield, L.L.C. for the proposed extension; such agreement to be approved as to form by the County Attorney.