

**County of Hanover**

**Board Meeting: April 9, 2014**

**Subject:** Request for Approval of Roadway Use Permit and Agreement – Bowles Farm Lane (Mechanicsville Magisterial District)

**Summary of Agenda Item:** On October 23, 2013, the Board approved rezoning C-6-13(c), RE2, LLC (GPIN 8724-28-1933) located between Bowles Farm Lane and the future Wawa site. As discussed as part of the rezoning request, the developers of the Wawa site are proposing an access from Bowles Farm Lane into their property. As part of the rezoning request, the applicant proffered that they would request approval of a Roadway Use Permit and Agreement giving them access through the County owned Bowles Farm Lane, which to date, has not been accepted into the state highway system for road maintenance by VDOT.

The site plan for Wawa – Rt. 360 (SPR-13-13) shows access to their site through the County owned portion of Bowles Farm Lane, therefore a Roadway Use Permit and Agreement is required.

Bowles Farm Lane currently provides access to Bowles Farm Plaza, which is a fully developed retail center. Based on the development of Liberty Trace townhomes behind both of these parcels, extension of Bowles Farm Lane is no longer necessary.

**County Administrator's Recommended Board Motion:** Approval of the attached Roadway Use and Permit Agreement to use County right-of-way on Bowles Farm Lane. Approval of the Agreement will allow a more direct access to the proposed Wawa development through the portion of Bowles Farm Lane that has not been accepted by the Virginia Department of Transportation.

## ROADWAY USE PERMIT AND AGREEMENT

THIS AGREEMENT is entered into March 20, 2014, by BDC Compass Point, LLC (the "Owner") and HANOVER COUNTY, a political subdivision of the Commonwealth of Virginia (the "County").

### WITNESSETH:

WHEREAS, BDC Compass Point, LLC, is the Owner of certain parcels of land located in Hanover County, Virginia, described as GPINs 8724-28-3927 and 8724-28-1933; and

WHEREAS, Bowles Farm Lane ("the Road") is shown on a certain subdivision plat of Bowles Farm Plaza Commercial Subdivision Block A and B, recorded in the Hanover County Circuit Court Clerk's Office, but has not been improved to public road standards and accepted by the Virginia Department of Transportation; and

WHEREAS, the Hanover County Board of Supervisors at a meeting held \_\_\_\_\_, 2014, granted permission to the Owner, successors and assigns to use the Road for purposes of ingress and egress for a commercial development; and

WHEREAS, the grant of permission was on the condition that the Owner, successors and assigns agree to indemnify the County from any and all liability and damages relating to or arising out of the use of the Road; and

WHEREAS, the improved portion of the Road is owned by Hanover County; and

WHEREAS, it is the desire of all of the parties to this agreement that the improved portion of the Road be maintained and kept in good repair; and

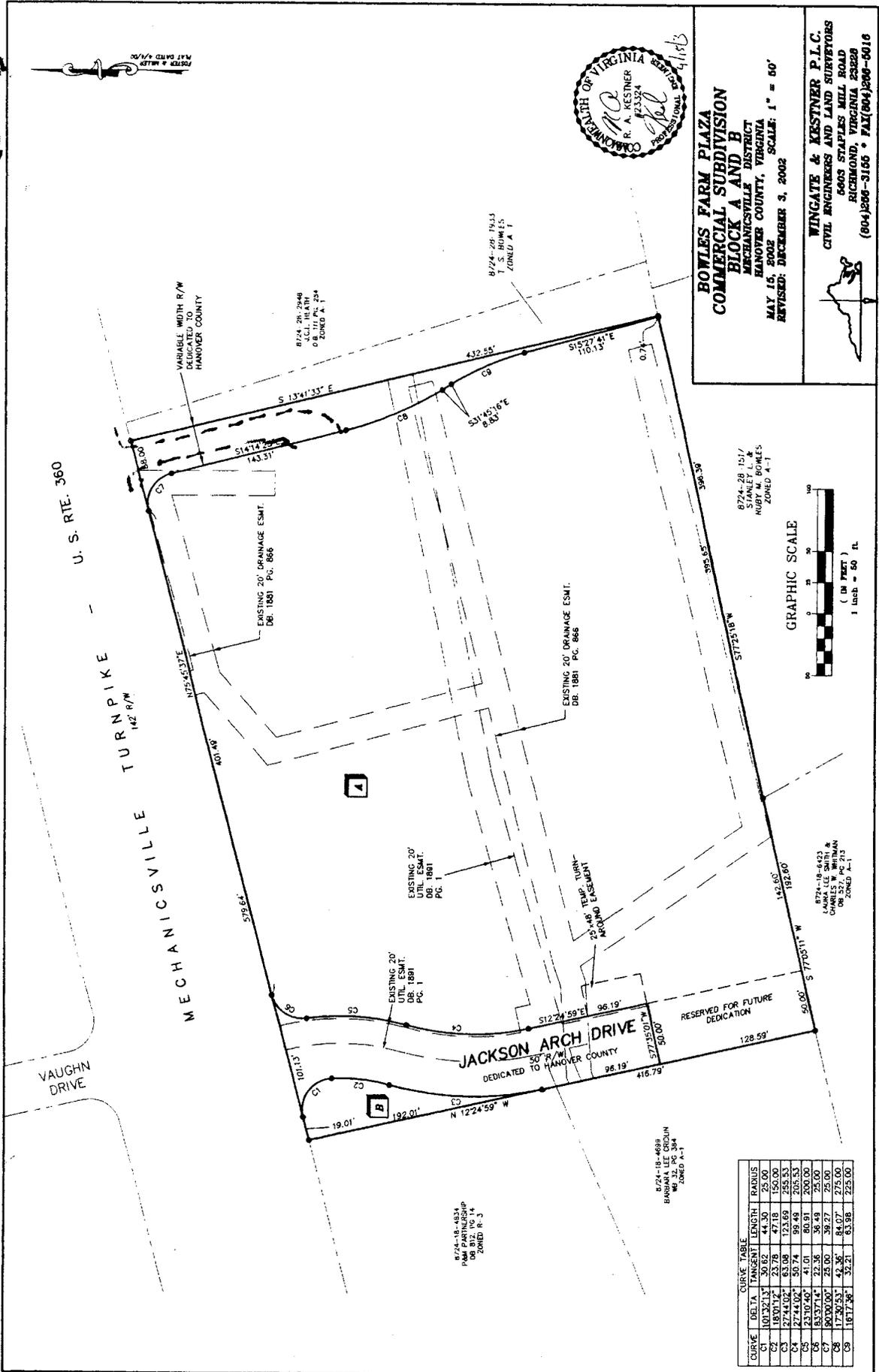
WHEREAS, the parties desire that this instrument be recorded in the Clerk's Office of the Circuit Court of Hanover County and that this agreement be binding upon the successors in interest and title, and/or assigns of the Owner and that the obligations contained in this Agreement run with the land benefitted.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the Owner, for itself, its successors and assigns, agree that (i) the Owner shall indemnify, hold harmless, and defend the County, its officials, employees and agents from any and all claims for liability and damages related to or arising out of the use of the Road, including attorney's fees, court costs and other expenses, and that the County is not responsible or liable for that use, and (ii) that the Owner shall be responsible for maintaining the unimproved portion of the Road in a good, safe and high state of repair so as not to allow it to deteriorate from its present condition or be subject to accumulation of debris, ruts, holes, standing water, snow, ice, or other danger or obstruction, and that the Owner shall pay the expenses of such maintenance as long as





Recorded 4/23/03 Plat Book 36, Page 580 See DB 2051, P 459 (2073)



**BOWLES FARM PLAZA  
COMMERCIAL SUBDIVISION  
BLOCK A AND B**  
MECHANICSVILLE DISTRICT  
HANOVER COUNTY, VIRGINIA  
MAY 15, 2002 SCALE: 1" = 60'  
REVISED: DECEMBER 3, 2002

**WINGATE & KESTNER P.L.C.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
5605 STAPLES MILL ROAD  
RICHMOND, VIRGINIA 23229  
(804)286-3166 • FAX (804)286-6016



8724-28 151/  
STANLEY L. &  
HUBBY M. BOWLES  
ZONED A-1

GRAPHIC SCALE  
( IN FEET )  
1 inch = 60 ft

8724-18-612/  
LARA LEE &  
CHARLES W. WHITMAN  
ZONED R-1

CURVE	DELTA	TANGENT	LENGTH	RADIUS
C1	100°32'13"	30.82	41.30	25.00
C2	18°50'12"	23.78	47.18	150.00
C3	27°44'02"	63.08	123.69	255.53
C4	27°44'02"	50.74	99.49	205.53
C5	23°10'00"	41.01	80.91	200.00
C6	53°37'45"	35.90	39.29	25.00
C7	17°30'33"	42.36	84.07	275.00
C8	167°17'36"	32.21	63.98	225.00

8724-18-483A  
PAM PARTNERSHIP  
DB 812, PG 14  
ZONED R-3

8724-18-483B  
BANDARA LEE CRUDIN  
DB 812, PG 14  
ZONED R-3

